

Appl. No. 10/735,656
In re Croyle
Reply to Office Action of May 19, 2006

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated May 19, 2006. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1-15 were rejected under 35 U.S.C. 102 (b) as being anticipated by Choi (US 4,882,665). Applicant respectfully disagrees. However, in order to expedite the prosecution of the present application, claim 1 has been amended to include the limitations of claims 2 and 7 into claim 1. No new matter has been added.

Anticipation under Section 102 requires that a prior art reference disclose every claim element of the claimed invention. *E.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986). Anticipation must be found in a single reference. *E.g., Studiengesellschaft Kohle, m.b.H. v. Dart Indus., Inc.*, 726 F.2d 724, 726-27, 220 U.S.P.Q. 841 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. *E.g., Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 U.S.P.Q. 1264 (Fed. Cir. 1984).

Applicant respectfully submits that the applied document, *i.e.*, the power supply 10 of Choi, does not meet this standard of anticipation. Specifically, Choi fails to disclose a module

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trigger selector electrically coupled to each of the plurality of the pulse discharge switch modules and provided for independently and selectively controlling each of the pulse discharge switch modules in order to selectively operate a selected number of the pulse discharge switch modules.

The Examiner erroneously alleges that the control unit 50 of the power supply 10 of Choi independently and selectively controls each of the pulse discharge switch modules in order to selectively operate a selected number of the pulse discharge switch modules, and refers to column 1, lines 57-63 and column 7, lines 12-19 of Choi. However, the Examiner's allegation is unsupported by the disclosure of the '665 patent to Choi. Nowhere in the specification (including the referred column 1, lines 57-63 and column 7, lines 12-19) Choi discloses that the control unit 50 independently and selectively controls each of the pulse discharge switch modules in order to selectively operate a selected number of the pulse discharge switch modules. In the event that the Examiner maintains this rejection of claim 1 in a future written communication, the Applicant kindly requests the Examiner to point to a specific place (column, line) in the '665 patent where Choi discloses the recited independent and selective control each of the pulse discharge switch modules. Accordingly, the rejection of claims 1 and 15 under 35 U.S.C. 102(b) as being anticipated by Choi is improper.

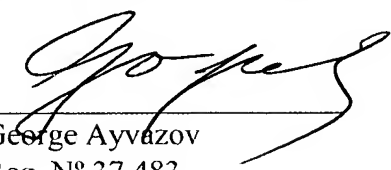
Appl. No. 10/735,656
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Claims 3, 4 and 8-14 introduce additional limitations further defining the present invention over Choi.

It is respectfully submitted that claims 1, 3, 4 and 8-15 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:
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